

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 3:07-cr-150-MHT
)	
BENJAMIN SHANE FOSTER)	

PETITION FOR ORDER DIRECTING THE UNITED STATES
MARSHAL TO RELEASE CUSTODY OF PRISONER

Comes now the United States of America, by and through Leura G. Canary, United States Attorney and the undersigned Assistant United States Attorney, both for the Middle District of Alabama, and moves this Honorable Court for an order directing the United States Marshal, Middle District of Alabama, to release from their custody Benjamin Shane Foster, into the custody of Dwight Brown, ATF, and/or Robert Green, Montgomery Police Department, and/or Gwen Spence, ATF, and/or Sybil Hall-McNeil, ATF, from November 7, 2007, through January 7, 2007, so that said agents can take such prisoner into custody without the necessity of the presence of a Deputy United States Marshal. We further move the Court to enter an order directing Dwight Brown, ATF, and/or Robert Green, Montgomery Police Department, and/or Gwen Spence, ATF, and/or Sybil Hall-McNeil, ATF, to return said prisoner into the custody of the United States Marshals Service when they have finished with him.

Respectfully submitted this the 6th of November, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Matthew W. Shepherd
MATTHEW W. SHEPHERD
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CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys on record.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Matthew W. Shepherd
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ORDER

Upon consideration of the government's motion for release of prisoner filed on November 6, 2007, and for good cause, it is ORDERED that the motion be and hereby is GRANTED.

It is hereby ORDERED that the United States Marshals Service release custody of Benjamin Shane Foster, to Dwight Brown, ATF, and/or Robert Green, Montgomery Police Department, and/or Gwen Spence, ATF, and/or Sybil Hall-McNeil, ATF, on November 7, 2007, through January 7, 2007, so that said agents can take such prisoner into custody without the necessity of the presence of a Deputy United States Marshal.

It is further ORDERED that Dwight Brown, ATF, and/or Robert Green, Montgomery Police Department, and/or Gwen Spence, ATF, and/or Sybil Hall-McNeil, ATF, return said prisoner into the custody of the United States Marshals Service when they have finished with him.

DONE this the _____ day of November, 2007.

CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE